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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

SUPERIOR LUBRICANTS TRANSPORT INC.,
a/k/a Superior Transport,

DEBTOR.

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Case No. 16-42146-rfn-7

**MOTION OF TRUSTEE FOR CLARIFYING ORDER ON
UNAUTHORIZED SECRETARY OF STATE FILING**

COMES NOW Marilyn D. Garner, Chapter 7 Trustee of Estate of Superior Lubricants Transport, Inc. a/k/a Superior Lubricants and Superior Transport, and asks this Court for entry of an order clarifying that the Certificate of Amendment filing by Elrod Dozier on January 5, 2018 with the Texas Secretary of State, purporting to change the name, registered agent and business address of the Debtor was of no legal effect as it was not authorized by the Trustee or this Court.

The Debtor in the above-referenced proceedings has been within the jurisdiction of this U.S. Bankruptcy Court since the original Chapter 7 Petition was filed on June 2, 2016.

Pursuant to the Amended Agreed Order authorizing the Sale of the Dooling Street property by the Trustee [Doc. No. 135], the Trustee's counsel has been working towards consummation of a sale set for closing a on July 5, 2018 with the Buyer's assignee. On July 2, 2018, counsel for the title company's underwriter found a Certificate of Amendment filing made

with the Office of Texas Secretary of State purporting to change the Debtor's name to "Superior Option Transport" and to change the name and address for the Debtor's registered agent. A true copy of this filing, made January 5, 2018, is attached hereto as Exhibit A. This Certificate was filed without relief from the automatic stay and without the knowledge of the Trustee and the Debtor's principals, Jerri Gooden and Bryan Austin.

Counsel for the Trustee located possible phone numbers for Elroy Dozier, the named filer and purported new registered agent and Superior Option Transport and called each one of them, but has not received any response from Mr. Dozier. Trustee's counsel has also called the number listed for "Superior Option Transport" and a woman answered the phone but advised that was not the phone number for said company, although he did appear to know Mr. Dozier. A message was left for him with this woman, as well as an email to a Hotmail account, however, he has failed to contact Trustee's counsel.

This Certificate of Amendment filing has delayed and jeopardized the Trustee's real estate closing. Although an extension was reached with counsel for the Buyer, time is of the essence and therefore, at the request of the Buyer and title company, the Trustee hereby seeks expedited consideration of her request that this Court enter an order clarifying that Elroy Dozier had no authority to file any name change, registered agent change, nor to modify the company records of the Debtor with the Texas Secretary of State and that Exhibit A is an unlawful filing, void due to the failure to obtain Court authority, and of no legal effect. The Order should also provide that Debtor's name remains Superior Lubricants Transport, Inc..

Based upon the record in these proceedings, the Court can rule upon this Motion without a hearing; however, if a hearing is required, the Trustee requests one on an expedited basis. The Trustee is entitled to an order declaring the Certificate of Filing void and of no legal effect as the record of these bankruptcy proceedings establish that no order granting relief from the automatic

stay for this purpose was ever granted on behalf of Elroy Dozier to make such a change in the Debtor's Texas Secretary of State records. In order to effectuate the previous sale order, a clarification order must be entered within the week to enable the sale to go to closing.

Although the Trustee believes that this Court may enter her proposed order based solely on the records in this proceeding, if a hearing is required she requests that it be held on an expedited basis.

Respectfully, Submitted,

/s/ Lyndel Anne Vargas
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CERTIFICATE OF ATTEMPTED CONFERENCE

As set forth above, on Monday, July 2, 2018, I called the number on the Texas Secretary of State records for Superior Option Transport, Inc. (281-770-2295) and was told that the same was “the number for a different transportation company” by a woman named Lisa. When I asked to speak with Mr. Dozier she took my name and number and told me she would give him the message to contact me. She would not tell me the name of the company I had called, only that Mr. Dozier should not have used that number in any filing. I also looked at public records and found two Elroy Doziers in Pearland, Texas, left messages on all phone numbers associated with them which had voicemails and also emailed a possible email of his at EDozier@hotmail.com; however, I have received no response from Mr. Dozier.

/s/ Lyndel Anne Vargas _____

Lyndel Anne Vargas

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served this 9th day of July, 2018 by electronic transmission through the Court’s automated Case Management and Electronic Docketing System for the U. S. Bankruptcy Court for the Northern District of Texas on all parties-in-interest submitting to service of papers in this case by said means. Additionally, a copy was sent via FedEx overnight delivery to Superior Option Transport, Inc. c/o Elroy Dozier, 6200 Savoy Dr. Ste 630, Houston, TX 77036-3320.

/s/ Lyndel Anne Vargas _____

Lyndel Anne Vargas